

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**2:06cv24**

**JAMES E. McCALL,**

**Plaintiff,**

**Vs.**

**TOWN OF HIGHLANDS, NORTH  
CAROLINA; and TOWN OF  
HIGHLANDS POLICE DEPARTMENT,  
NORTH CAROLINA,**

**Defendants.**

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**AMENDED<sup>1</sup>  
ORDER**

**THIS MATTER** is before the court on plaintiff's Motion for Leave to File First Amended Complaint (#7). Such motion does not contain a statement that counsel for the opposing parties has been consulted and either consents to or opposes such motion. L.Cv.R. 7.1(A).

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion for Leave to File First Amended Complaint is **DENIED** without prejudice in accordance with Local Civil Rule 7.1.

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<sup>1</sup> Such motion is supported by a brief, which was combined with the response to defendants' motion to dismiss. So that they are not missed, a memorandum in support of one motion should not be incorporated into a brief responsive to another motion.

Signed: November 14, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

